



**U.S. House of Representatives**  
**Committee on Energy and Commerce**

107<sup>th</sup> Congress  
Overview of the  
1st Session

*Energy and Commerce*  
*Fuel America's Economy*



**Billy Tauzin, Chairman**

Prepared by the Energy and Commerce Committee Press Office



*In 2001, the venerable House Energy and Commerce Committee, under the leadership of Chairman Billy Tauzin (R-LA) and assisted by Vice Chairman Richard Burr (R-NC), worked hard to advance an ambitious agenda that will benefit the American people for generations to come. In the first session of the 107<sup>th</sup> Congress, the Committee held nearly 100 hearings on topics of critical importance to the future of our nation and passed landmark legislation dealing with a wide range of issues that have bedeviled Congress for years.*



*The Committee has addressed the growing energy needs of our nation and its high-octane economy; advanced real HMO reforms to protect patients and give doctors the tools they need to make necessary medical decisions; passed, for the first time in two decades, meaningful improvements to the beleaguered Superfund program that will help cleanup our environment; quickly advanced legislation giving law enforcement the necessary tools to prevent bioterrorism and public health officials the resources to protect against the threat of attack; and, worked to ensure that consumers benefit from vibrant, new high-speed Internet services by approving a bill to facilitate the rapid deployment of broadband technology to all areas of the country.*

*These are a few examples of the House Energy and Commerce Committee's accomplishments in the first session of the 107<sup>th</sup> Congress. To get a better idea of the leadership and hard work of the Committee staff and its Members, consider the following:*

## ***PUTTING "ENERGY" INTO ENERGY AND COMMERCE***

Last year, the Committee was renamed the House Committee on Energy and Commerce. So far, the panel has lived up to its new name as energy issues have been at the forefront of an active agenda overseen by Staff Director Dave Marventano.

In 2001, the Energy and Air Quality Subcommittee, chaired by Rep. Joe Barton (R-TX), held 19 hearings on a variety of timely issues; eight of these hearings specifically addressed the need for a comprehensive national energy policy, a plan America has sorely lacked for nearly a decade.



- **Feb. 15**     **Lessons Learned From California's Electricity Policy**
- **Feb. 28**     **Domestic Exploration of Natural Gas**
- **March 6**     **Congressional Perspectives on Electricity Markets**
- **March 14**    **Clean Coal Technologies**
- **March 20**    **Electricity Markets in California**
- **March 22**    **Electricity Markets in California**
- **March 27**    **Utilizing Nuclear Energy in the New Millennium**
- **March 30**    **Crude Oil and Refined Petroleum Products**
- **May 1**        **The "Electricity Emergency Relief Act"**
- **May 3**        **The "Electricity Emergency Relief Act"**
- **May 15**      **Consumer Perspectives on Energy Policy**
- **June 13**      **The Bush Administration's National Energy Policy Report**
- **June 22**      **Conservation and Energy Efficiency**
- **June 27**      **Hydroelectric Relicensing and Nuclear Energy**
- **July 27**      **National Electricity Policy: Barriers to Competitive Generation**
- **Sept. 20**     **National Electricity Policy: Federal Government Perspectives**

- **Oct. 10 Electricity Transmission Policy**
- **Dec. 12 “The Electricity Supply and Transmission Act of 2001”**
- **Dec. 13 “The Electricity Supply and Transmission Act of 2001”**

Early in the year, the Subcommittee held numerous hearings on the electricity emergency in California. Two of these hearings focused on innovative proposals to help California and its neighbors in the West cope with an emerging energy crisis. The Subcommittee’s leadership on the Western power shortage prompted immediate action from federal and state officials to increase supply and decrease demand for power throughout the region, easing what could have been a disastrous summer for Californians.

The Committee played an integral role in crafting and advancing sweeping energy legislation – sponsored by Chairmen Tauzin and Barton, supported by President Bush and passed by the House in early August – that moves America a giant step closer to a comprehensive, long-term energy policy that improves the security, reliability and affordability of our nation’s energy.



**H.R. 4, Securing America’s Future Energy (SAFE) Act**, includes important conservation and environmentally friendly provisions. It was overwhelmingly approved in July by the Energy and Commerce Committee on a bipartisan 55-to-3 vote. Specifically, this landmark energy package:

- ◆ **Reduces light truck fuel consumption by 5 billion gallons over six years.**
- ◆ **Increases funding for programs to assist low-income residents.**
- ◆ **Provides incentives for cleaner energy sources and alternative fueled vehicles.**
- ◆ **Promotes clean coal technologies.**
- ◆ **Increases the supply of gasoline while stabilizing prices.**
- ◆ **Sets stricter standards for energy use in federal buildings.**
- ◆ **Simplifies regulation of nuclear and hydroelectric power.**

In the wake of the September 11 terrorist acts, the Committee promptly acted on legislation to enhance security at nuclear facilities. The House passed H.R. 2983, which includes these security measures and reauthorizes certain indemnifications for the nuclear industry in order to encourage investment in and generation of nuclear power.

Building on its work to enact a comprehensive national energy plan, the Subcommittee held several hearings on electricity policy. Hearings were held near the end of the year to discuss Subcommittee Chairman Barton’s legislation, **H.R. 3406, The Electricity Supply and Transmission Act of 2001**, to increase electricity generation, transmission and distribution.

## ***IMPROVING HEALTH CARE FOR ALL AMERICANS***



For the better part of a decade, Congress has been talking about reforming managed care, yet efforts to pass meaningful legislation have been tied up by political gridlock. In August, Chairman Tauzin managed the successful floor debate over a Patients’ Bill of Rights that will improve the quality of medical care for the nearly 100 million Americans who rely on HMOs for their day-to-day health care needs. A compromise between President Bush and a key Energy and Commerce Committee Member, Rep. Charlie Norwood (R-GA), facilitated passage of this historic bill.

Specifically, *H.R. 2563, the Bipartisan Patient Protection Act*, which passed the House and enjoys the support of the White House:

- ◆ Ensures patient protections will be comprehensive and apply to all Americans.
- ◆ Guarantees patients a rapid medical review process for denials of care.
- ◆ Gives patients and their doctors the tools to make necessary medical decisions.
- ◆ Expands federal remedies to hold health plans accountable.
- ◆ Encourages employers to offer health care benefits.

Led by Health Subcommittee Chairman Michael Bilirakis (R-FL), *Patient's First: A 21<sup>st</sup> Century Promise to Ensure Quality and Affordable Health Coverage* was a series of joint hearings with the Oversight and Investigations Subcommittee that focused on the need for Medicare reforms, prescription drug coverage and contractor reform. Chairman Bilirakis held a number of hearings on this initiative and various other issues:



- **Feb.15** Prescription Drug Coverage Hearing
- **March 1** Improved Access to New Technologies
- **March 15** A Smarter Health Care Partnership for American Families
- **March 22** Assessing How Medical Record Privacy Regulations Can Be Improved
- **April 1** Reforming the Health Care Financing Administration (HCFA)
- **April 26** HHS Priorities in the FY 2002 Budget
- **May 3** Evaluating the Effectiveness of the FDA Modernization Act
- **May 10** Former HCFA Administrators Testify on Issues Facing the Agency
- **May 16** Second Hearing on Prescription Drug Coverage
- **June 13** Consumer Access to, and Demand for, Pharmaceuticals
- **June 14** Merging Parts A and B of the Medicare Program
- **June 20** Markup of Several Human Cloning Bills
- **June 27** Advancing the Health of the American People
- **June 28** Medicare Contractor Reform
- **July 10** Markup of Legislation Addressing Various Public Health Needs
- **July 18** Full Committee Markup of Bills on Various Public Health Needs
- **July 26** Examining the President's Framework for Strengthening Medicare
- **Aug. 1** Authorizing Safety Net Public Health Programs
- **Sept. 21** Medicare Drug Reimbursements: A Broken System
- **Oct. 4** The Best Pharmaceuticals for Children Act (H.R. 2887)
- **Oct. 17** Markup of the Medicare Regulatory, Appeals, Contracting and Education Reform Act of 2001 (H.R. 3046)
- **Nov. 15** Raising Health Awareness

Following the September 11 terrorist attacks on the U.S., the Energy and Commerce Committee moved swiftly to protect Americans from the threat of bioterrorism. Members of the Health Subcommittee worked together to craft a broad, bipartisan bill that significantly improves our nation's ability to respond effectively and quickly to bioterrorist threats and other public health emergencies. In December, *H.R. 3448, The Public Health Security and Bioterrorism Response Act of 2001*, was overwhelmingly approved by the House on a vote of 418-to-2.

Specifically, H.R. 3448:

- ◆ Authorizes more than \$1 billion in grants to states, local governments and other public and private health care facilities to improve planning and preparedness activities, enhance laboratory capacity, educate and train health care personnel and to develop new drugs, therapies;
- ◆ Authorizes \$450 million for the Centers for Disease Control and Prevention to upgrade their own capacities to deal with public health threats, to renovate their facilities and to improve their security;
- ◆ Authorizes more than \$1 billion for the Secretary of Health and Human Services to expand our current national stockpiles of medicines and other supplies, including the purchase of additional smallpox vaccines;
- ◆ Establishes a national database of dangerous pathogens and imposes new registration requirements on all possessors of the 36 most deadly biological agents and toxins and mandates tough new safety and security requirements;
- ◆ Further protects our food supply by increasing by \$100 million FDA resources to enable the Secretary to hire more inspectors at our borders and develop new methods to detect contaminated foods.

Also in December, the House overwhelmingly approved *H.R. 3391, the Medicare Regulatory and Contracting Reform Act of 2001*, legislation authored by Chairman Bilirakis that improves and modernizes the delivery of quality health care to patients' while reducing the regulatory burdens on physicians.

Since 1997, when Congress first implemented so-called "pediatric exclusivity" legislation to help improve the safety of pharmaceuticals for children, over 400 studies have been conducted to ensure proper dosage of drugs for pediatric care. Chairman Bilirakis pushed to make improvements in reauthorizing this successful program, and late last year, President Bush signed into law *H.R. 2887, the Best Pharmaceuticals for Children Act*.

## ***PROMOTING INNOVATION AND COMPETITION IN A NEW MILLENNIUM***



From pushing regulatory reforms to encouraging the rollout of new, 21st century technologies, the Telecommunications and the Internet Subcommittee, led by Chairman Fred Upton (R-MI), has been working hard to see that Americans reap the benefits from all of the digital economy's innovative and far-reaching possibilities.

Already this year, the Subcommittee has held 12 hearings on a wide variety of issues:

- **Feb. 8**      **Is ICANN's Domain Name Selection Process Thwarting Competition?**
- **March 8**    **Technology and Education: Public and Private Sector Programs**
- **March 15**   **Digital Television: A Private Sector Perspective on the Transition**
- **March 29**   **FCC Chairman Michael Powell: Plans for Reforming the Agency**
- **April 4**     **E-Rate and Filtering: The Children's Internet Protection Act**
- **May 17**     **Legislative Hearing on H.R. 1765**
- **June 14**    **Enhanced 911 Emergency Calling Systems: A Progress Report**
- **June 20**    **Campaign Finance Reform's Impact on Broadcasters**
- **July 20**     **Industry's Efforts to Curb Childrens' Exposure to Violent Content**
- **July 24**     **U.S. Deployment of 3G Wireless Services**

- Nov. 1            **H.R. 2417, the “Dot Kids Name Act of 2001**
- Dec. 4            **The Status of Competition Between Cable and Satellite**

From a telecommunications standpoint, the most far-reaching bill before the Committee thus far has been ***H.R. 1542, the Internet Freedom and Broadband Deployment Act of 2001***, a bill sponsored by Chairman Tauzin and Ranking Member John Dingell. This legislation creates regulatory parity between telephone companies and cable operators when it comes to the delivery of new high-speed broadband services. Following a spirited debate on April 26, the Telecom Subcommittee marked up and approved the legislation. H.R. 1542 was later approved by the full Committee on May 9 and is currently before the Rules Committee awaiting a House vote.

In other action, spamming – the sending of unwanted electronic mail – was the subject of a Subcommittee markup on March 21. Rep. Heather Wilson authored ***H.R. 718, the Unsolicited Commercial Electronic Mail Act of 2001***, and successfully steered the legislation through both the Subcommittee and full Committee. H.R. 718 also awaits a House vote.

Meanwhile, the Subcommittee is closely monitoring:

**Digital Television** – The transition from analog to digital television is an extraordinarily complex issue and entails revamping each stage of the television viewing experience from the studio to the living room.

**Third Generation (3G) Wireless** – 3G represents an exciting leap forward for the consumer through the use of wireless handheld devices. There are significant issues the telecom industry and federal government need to work through before spectrum is made available for new 3G services. Chairmen Tauzin and Upton are committed to moving these promising technologies forward.



**Satellite Competition** – The Subcommittee held a hearing examining competition between the cable and satellite markets in light of the proposed merger of the two largest satellite companies Echostar

and DirecTV. At a December hearing, the Subcommittee examined the prospects for new companies entering the market; their ability to gain access to programming; and, most importantly, the overall impact on consumers.

**FCC Reform** – On March 29, FCC Chairman Michael Powell appeared before the Subcommittee to outline his vision for reforming the agency. Given the critical nature of telecommunications to the nation’s economy, it is more important than ever that the FCC functions efficiently. FCC reform remains a top priority.

**The Internet Corporation for Assigned Names and Numbers (ICANN)** – The Department of Commerce delegated responsibility for the administration of top-level domain names (TLDs) on the World Wide Web to ICANN. The Committee, which closely scrutinized the TLD selection process in a hearing in February, has urged ICANN to consider selecting a “.kids” domain name to provide a safe harbor for children to access the Internet. In November, the Subcommittee on Telecommunications and the Internet held a legislative hearing on H.R. 2417, the Dot Kids Domain Act of 2001. This legislation would create a safe places for children on the Internet through the creation of a top-level domain (TLD) such as ‘.kids’ – or a secondary domain within the .us country code, a ‘.kids.us.’

## SHINING A SPOTLIGHT ON NATIONAL ISSUES

In a number of far-reaching probes, the Oversight and Investigations Subcommittee, chaired by Rep. James Greenwood (R-PA), has focused national attention on a number of issues that could impact all Americans,



bringing to light efforts to clone a human being, examining major tire safety issues, raising questions about the impact of exit polling on national elections, ensuring charitable contributions linked to September 11 directly benefit victims and their families; investigating schemes to counterfeit and illegally distribute pharmaceutical drugs; and, demanding improved security for sensitive and private data contained on federal agency computer networks.

In total, the Subcommittee held 18 hearings, several of which have led directly to legislation tailored to address issues raised by the panel:

- **March 1**      **Ensuring Quality and Affordable Health Coverage (joint hearing)**
- **March 28**    **Issues Raised by Human Cloning Research**
- **April 4**      **Ensuring Quality and Affordable Health Coverage (joint hearing)**
- **April 5**      **The Security of Government Computer Systems**
- **May 10**      **Ensuring Quality and Affordable Health Coverage (joint hearing)**
- **May 23**      **The Security of Private Medical Information (joint hearing)**
- **May 31**      **A Review of Medicare+Choice Plan Payment Methodology**
- **June 7**      **Continuing Concerns Over Imported Pharmaceuticals**
- **June 19**     **Ford Motor Company's Recall of Some Firestone Tires (joint hearing)**
- **June 28**     **Ensuring Quality and Affordable Health Coverage (joint hearing)**
- **Aug. 3**      **The Security of Sensitive Commerce Department Data**
- **Aug. 28**     **Oxycontin: Its Use and Abuse**
- **Sept. 21**    **Medicare Drug Reimbursements**
- **Oct. 10**     **A Review of Bioterrorism Preparedness Programs**
- **Nov. 1**      **Issues Concerning the Use of MTBE in Reformulated Gasoline**
- **Nov. 6**      **Fraud, Waste and Abuse of September 11 Charitable Contributions**
- **Nov. 7**      **HHS Inspector General's Review of Security at NIH and CDC Facilities**
- **Dec. 5**      **A Review of Security Issues At Nuclear Power Plants**

At a packed hearing in March, the Subcommittee focused international media attention on the safety and ethical concerns surrounding efforts to clone a human being. Members of the Subcommittee rallied around the need for a federal law prohibiting human cloning in the United States. As a direct result of this hearing, President Bush announced his support for a ban on human cloning and, on July 31, the House passed *The Human Cloning Prohibition Act* by a 265-to-162 vote.

In another example of vigilant oversight influencing public policy, a Subcommittee hearing in June examined the growing problem of counterfeit, misbranded and illegal pharmaceutical drugs entering the U.S. market, and helped defeat a controversial proposal in Congress to weaken existing pharmaceutical import controls.

Also this summer, with a national media spotlight on tire safety and the collapsing relationship between Ford Motor Company and Firestone, the Subcommittee held a joint hearing to examine the consumer implications of Ford's decision to replace 13 million Firestone tires on its vehicles. As a result of the hearing, the National Highway and Traffic Safety Administration (NHTSA) called for a formal defects investigation into one of the replacement tires, prompting Ford to pull it from a list of approved replacement tires.

In October, the Committee began investigating questions surrounding the distribution of funds from the Red Cross and United Way to victims of the September 11 terrorist attacks. A November hearing brought national attention to the issue, prompting these organizations to publicly promise that all funds from charitable contributions would be directed to the victims and their families.

And most recently, in December, Chairman Tauzin and Subcommittee Chairman Greenwood announced the first Congressional investigation into the rapid financial collapse of Enron Corporation. Four hearings have been scheduled so far in 2002.

## ***ENSURING CONSUMER PROTECTION***

By focusing on tire safety, airline mergers and complicated privacy issues, the Subcommittee on Commerce, Trade and Consumer Protection, chaired by Rep. Cliff Stearns (R-FL), has made consumer protection its No. 1 mission in the new millennium.

After 15 hearings on various issues, the Subcommittee has educated Members on many of the complexities of consumer protection in a rapidly-changing, interconnected world:

- **March 1**      **Privacy in the Commercial World**
- **March 8**      **The EU Directive: Implications for the U.S. Privacy Debate**
- **March 21**     **Airline Mergers and Their Effect on American Consumers**
- **April 3**      **Examining Existing Federal Statutes Addressing Information Privacy**
- **May 8**      **Opinion Surveys: What Consumers Say About Information Privacy**
- **May 22**     **Impediments to Digital Trade**
- **May 23**     **Online Fraud and Crime: Are Consumers Safe?**
- **June 19**     **Ford Motor Company's Recall of Certain Firestone Tires**
- **June 21**     **Information Privacy: Industry Best Practices and Solutions**
- **July 11**     **Discrimination in Health Insurance Based on Predictive Genetic Tests**
- **July 26**     **How Do Businesses Use Customer Information?**
- **July 31**     **Current Issues Before the Financial Accounting Standards Board**
- **Oct. 17**     **The State of the U.S. Tourism Industry**
- **Nov. 7**      **Challenges Facing the Federal Trade Commission**
- **Nov. 15**     **Cyber Security: Private-Sector Efforts Addressing Cyber Threats**

Members of the Subcommittee considered a wide range of issues affecting the security and financial well being of consumers:

**Cyber Security** – Emerging threats to our nation's commercial information systems was the focus of an oversight hearing in November. Commercial information systems are a critical component in our economy where the success of every industry sector is dependent on information and information sharing. These systems, while internally networked, are connected to the Internet, making them vulnerable to cyber attacks.

During the hearing, Members of the Subcommittee heard from representatives of Microsoft Corporation, Oracle Corporation, Ernst & Young, Internet Security Systems and other private sector organizations on their efforts to address the security of the nation's information systems. Chairman Stearns hopes to increase the awareness of vulnerabilities and take appropriate measures to protect consumers from cyber attacks.

**Privacy** – Protecting consumers and their financial information – both online and off – is critically important in today's digital world. In 2001, the Subcommittee held half a dozen hearings on privacy issues,

educating Members on cyber-crime, global directives and prevailing business practices relating to information sharing. Chairman Stearns plans to introduce privacy legislation early in the second session of the 107<sup>th</sup> Congress.

**Challenges Facing the FTC**– The Subcommittee held a hearing in November to examine challenges facing the Federal Trade Commission, the federal agency responsible for ensuring consumers’ protection from fraud within high-tech, health care and financial industries.

**U.S. Tourism Industry** – For the past few decades, travel and tourism have become crucial components of the U.S. economy. The tourism industry, which accounts for 5% of the GDP, has suffered from the sluggish economy. September 11 tragically slowed tourism and travel more than any other sectors of our economy. In October, the Subcommittee heard testimony on the state of the U.S. tourism industry.

**American Spirit Fraud Prevention** – In early October, the Subcommittee approved **H.R. 2985, the American Spirit Fraud Prevention Act of 2001**, legislation empowering the Federal Trade Commission to increase civil penalties for unfair or deceptive acts exploiting Americans during a time of national emergency or natural disaster. The House overwhelmingly approved H.R. 2985 in November.

## ***MAINTAINING A CLEAN ENVIRONMENT FOR FUTURE GENERATIONS***

*For too long, proposals to overhaul the much-maligned and painfully-bureaucratic environmental cleanup programs in the United States have fallen victim to political gamesmanship and posturing. In a matter of months, the Environment and Hazardous Materials Subcommittee, chaired by Rep. Paul Gillmor (R-OH), accomplished what has eluded Congress for two decades: meaningful reform.*

In May, Chairman Gillmor and Members of the Subcommittee considered **H.R. 1831, the Small Business Liability Act**, a proposal that would make long-overdue improvements to the beleaguered Superfund program while facilitating environmental cleanups nationwide.

In December, a compromise – **H.R. 2869, the Small Business Liability Relief and Brownfields Revitalization Act** – was agreed to by Members of the House and Senate, and in January 2002 the measure was signed into law by the President. Passage of this historic environmental legislation is credited to Chairman Paul Gillmor’s promise to make Brownfields and liability protection a priority for his Subcommittee. His persistent negotiations with House and Senate leaders resulted in the year-end compromise and the much-needed improvements to environmental policies.

Specifically, H.R. 2869:

- ◆ **Facilitates the cleanup of contaminated and abandoned industrial brownfields sites;**
- ◆ **Contributes to the revitalization of urban communities;**
- ◆ **Assists small business owners who for years have been caught up in bureaucratic red tape of the nation’s Superfund law;**



- ◆ **Creates jobs and protects mom-and-pop shops from frivolous lawsuits;**
- ◆ **Preserves America's greenfields and cleans urban sites;**
- ◆ **Ensures that responsible parties are not shielded from liability;**
- ◆ **Focuses the Superfund Program on cleaning up America's toxic waste.**

In the first months of the 107<sup>th</sup> Congress, the Subcommittee held a number of important hearings on these sensitive environmental issues:

- **March 7 A Smarter Partnership: Removing Barriers to Brownfields Cleanup**
- **March 28 Drinking Water Needs and Infrastructure**
- **May 16 The Small Business Liability Relief Act (H.R. 1831)**
- **June 28 Legislative Proposals to Reform the Brownfields Program**
- **July 26 Perspectives on Shipments of Municipal Solid Waste**

As Congress moved quickly to protect Americans following the tragic terrorist attacks of September 11, Members of the Subcommittee played an integral role in crafting major provisions of H.R. 3448, "The Public Health Security and Bioterrorism Response Act of 2001," which passed the House in December. As a result of Subcommittee Members' efforts, the bill includes protections against chemical, biological or radiological attacks on our drinking water by authorizing over \$100 million for the development of vulnerability analyses and emergency response plans for our water systems.

## ***A SESSION OF ACCOMPLISHMENTS***

In 2001, the House Energy and Commerce Committee compiled a long list of accomplishments that will benefit American families and the American economy. The hard work and leadership of the Committee and its Members has helped to end political gridlock that for years had bottled up progress on critically-important issues.

Yet for all of the achievements, there is a lot more to be done. Reforming the Medicare program, which provides daily health care services to millions of Americans, is one of the most important, as well as one of the most vexing issues facing Congress today.

Building off the Health and Oversight Subcommittees' Medicare reform hearings, the Committee will continue to develop a common-sense approach to resolving many of the long-festered problems that have confounded consumers and Congress alike. In addition, the Committee will work to expand Medicare to include a strong prescription drug benefit.

In the months ahead, the Committee will continue its efforts to improve the quality of health care for all Americans, ensuring that more and more consumers have access to ground-breaking technologies and exciting, new services. In short, 2001 was just the beginning!

# Energy and Commerce Committee Majority Staff Members



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Linda Bloss-Baum, *Counsel*  
Jessica Wallace, *Counsel*

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Julie Corcoran, *Counsel*  
Ray Shepherd, *Counsel*  
Mike Geffroy, *Counsel*  
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Hollyn Kidd  
Brendan Williams  
Yong Choe  
Peter Kielty  
Eugenia Edwards

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Jill Latham  
Seth Benhard  
Kelly Ponder

